

### **REMARKS**

Claims 1-33 are currently pending, wherein claims 1, 2, 13, 14, 20, 21, 31, and 32 have been amended. Support for the above amendments can be found at least on page 12, line 1 through page 14, line 12, page 14, line 13 through page 17, line 24, and page 22, line 28 through page 23, line 14 of the Specification. Favorable reconsideration is respectfully requested in view of the remarks presented herein below.

At the outset, Applicants note with appreciation the indication that claims 5-9, 12, 17-19, and 24-27 contain allowable subject matter.

On page 2 of the final Office action ("Action"), the Examiner rejects claims 1-4, 13-16, 20-23, and 31-33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0088940 A1 to Toda et al. ("Toda"). Applicants respectfully traverse this rejection.

It is well established that in order to support a rejection under 35 U.S.C. § 102, the cited reference must teach each and every claimed element. In the present case, Toda fails to anticipate claims 1-4, 13-16, 20-23 and 31-33 because Toda fails to disclose each and every claimed element as discussed below.

Independent claims 1 and 13, as amended, define an optical recording method and device, respectively, that includes "determining a pulse width of write strategy parameters to be used in recording, based on the recommended write strategy parameters and characteristics of an optical system of an optical pickup of an optical recording device used in recording, and the determined pulse width being calculated using a predetermined calculation formula" and "determining an asymmetry value to be used in recording, based on the recommended write strategy parameters and characteristics of the optical system of the optical pickup of the optical recording device used in recording, the determined asymmetry value being calculated using a predetermined calculated formula." Although Toda discloses setting a recording condition such as a change ratio of an asymmetry and an optimum recording power as discussed in paragraphs [0046]-[0051] of Toda, Toda fails to disclose setting a pulse width for determining a write strategy as claimed. The asymmetry and optimum recording power of Toda are not equivalent to a pulse width.

In addition, claims 1 and 13 recite “determining an optimal recording power based upon the determined pulse width of the write strategy parameters and the determined asymmetry value.” In contrast, paragraph [0041] of Toda discloses determining an optimum recording power based on the difference between a recorded asymmetry and an asymmetry at an optimum recording power which are previously recorded on a recording medium. Accordingly, Toda discloses determining the optimum recording power based on information previously recorded on the recording medium, not based upon the determined pulse width of the write strategy parameters and the determined asymmetry value as claimed.

Independent claims 20 and 31 define an optical recording method and device, respectively, that includes “determining a pulse width of write strategy parameters including a leading pulse width parameter to be used in recording, based on the recommended pulse width value, and characteristics of an optical system of an optical pickup of an optical recording device used in recording, the determined pulse width being calculated using a predetermined calculation formula.” Accordingly, Toda fails to anticipate claims 20 and 31 for at least those reasons presented above with respect to claims 1 and 13.

Claims 2-4, 14-16, 21-23, 32, and 33 variously depend from independent claims 1, 13, 20, and 31. Therefore, claims 2-4, 14-16, 21-23, 32, and 33 are patentable over Toda for at least those reasons presented above with respect to claims 1, 13, 20, and 31. Reconsideration and withdrawal of the rejection of claims 1-4, 13-16, 20-23, and 31-33 is respectfully requested.

On page 5 of the Action, the Examiner rejects claims 10 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Toda in view of U.S. Patent Application Publication No. 2003/0048709 A1 to Van Woundenberg (“Van Woundenberg”). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some rationale to combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 10 and 28 are patentable over the combination of Toda and Van Woundenberg because the combination fails to disclose each and every claimed element.

Claims 10 and 28 depend from independent claims 1 and 20, respectively. Therefore, claims 10 and 28 are patentable over Toda for at least those reasons presented above with respect to claims 1 and 20. Van Woundenberg discloses an optical data storage medium and methods for reading and writing to such a medium. However, Van Woundenberg fails to overcome the deficiencies of Toda.

Since Toda and Van Woundenberg both fail to disclose or suggest an optical recording method that includes “determining a pulse width of write strategy parameters to be used in recording, based on the recommended write strategy parameters and characteristics of an optical system of an optical pickup of an optical recording device used in recording, and the determined pulse width being calculated using a predetermined calculation formula” and “determining an asymmetry value to be used in recording, based on the recommended write strategy parameters and characteristics of the optical system of the optical pickup of the optical recording device used in recording, the determined asymmetry value being calculated using a predetermined calculated formula” as claimed, the combination of these two references cannot possibly disclose or suggest said elements. Therefore, even if one skilled in the art had some rationale to combine Toda and Van Woundenberg (which Applicants do not concede), the combination would still fail to render claims 10 and 28 unpatentable because the combination fails to disclose each and every claimed element. Reconsideration and withdrawal of the rejection of claims 10 and 28 is respectfully requested.

On page 6 of the Action, the Examiner rejects claims 11 and 29 under 35 U.S.C. § 103(a) as being unpatentable over Toda in view of U.S. Patent Application Publication No. 2001/0014067 A1 to Iwata et al. (“Iwata”). Applicants respectfully traverse this rejection.

Claims 11 and 29 depend from independent claims 1 and 20, respectively. Therefore, claims 11 and 29 are patentable over Toda for at least those reasons presented above with respect to claims 1 and 20. Iwata discloses an optical disk apparatus that includes an optical pick-up unit for reproducing information on an optical disk. However, Iwata fails to overcome the deficiencies of Toda.

Since Toda and Iwata both fail to disclose or suggest an optical recording method that includes “determining a pulse width of write strategy parameters to be used in recording, based on the recommended write strategy parameters and characteristics of an optical system of an

optical pickup of an optical recording device used in recording, and the determined pulse width being calculated using a predetermined calculation formula” and “determining an asymmetry value to be used in recording, based on the recommended write strategy parameters and characteristics of the optical system of the optical pickup of the optical recording device used in recording, the determined asymmetry value being calculated using a predetermined calculated formula” as claimed, the combination of these two references cannot possibly disclose or suggest said elements. Therefore, even if one skilled in the art had some rationale to combine Toda and Iwata (which Applicants do not concede), the combination would still fail to render claims 11 and 29 unpatentable because the combination fails to disclose each and every claimed element. Reconsideration and withdrawal of the rejection of claims 11 and 29 is respectfully requested

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle Reg. No. 46,607 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

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Respectfully submitted,

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